

UNITED STATES DISTRICT COURT
DISTRICT OF SOUTH CAROLINA

Raekwon D.A. Wilson, #375336,) C/A No. 4:24-2599-HMH-TER
Petitioner,)
)
vs.) ORDER
)
Warden, McCormick Correctional Institution,)
)
Respondent.)

Petitioner, proceeding pro se, filed a document requesting habeas corpus relief under 28 U.S.C. § 2254. ECF No. 1. By Order dated May 10, 2024, Petitioner was given an opportunity to pay the filing fee or to apply for *in forma pauperis* status and to file a factual explanation to show cause why the Petition should not be dismissed based on the statute of limitations. ECF No. 5.

Petitioner was warned that failure to provide the necessary information and paperwork within twenty-one (21) days, the time set forth in the Order, may result in the case being dismissed. *Id.* at 1-2. Further, the Order also advised Petitioner of his duty to always keep the Court informed as to his current address. *Id.* at 3. The Court's Order was mailed to the address provided by Petitioner at the time he commenced this action. ECF No. 7. Petitioner is presumed to have received the Order as it has not been returned as undeliverable. However, Petitioner has not responded to the Court's Order, the time to respond has lapsed, and Petitioner has failed to bring this case into proper form.

Therefore, because Petitioner has failed to prosecute this case and has failed to comply with the Order of this Court, this case is dismissed without prejudice Pursuant to Rule 41 of the Federal Rules of Civil Procedure, and the Clerk of Court is ordered to close the file. *See Fed. R. Civ. P. 41(b)*(district courts may dismiss an action if a Petitioner fails to comply with an order of the court);

see also Ballard v. Carlson, 882 F.2d 93, 95 (4th Cir. 1989)(dismissal with prejudice appropriate where warning given); *Chandler Leasing Corp. v. Lopez*, 669 F.2d 919, 920 (4th Cir. 1982)(court may dismiss *sua sponte*).

IT IS SO ORDERED.

s/ Henry M. Herlong, Jr.
Senior United States District Judge

June 12, 2024
Greenville, South Carolina

NOTICE OF RIGHT TO APPEAL

The parties are hereby notified of the right to appeal this Order within the time period set forth under Rules 3 and 4 of the Federal Rules of Appellate Procedure.